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COPYRIGHT ARBITRATION ROYALTY PANEL
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OCT 2 2003

GENERAL COUNSEL
OF COPYRIGHT

In the Matter of:

DISTRIBUTION OF 1998 AND 1999
CABLE ROYALTY FUNDS

Docket No.

2001-8- CARP CD 98-99

MUSIC CLAIMANTS' RESPONSE TO THE
COPYRIGHT ARBITRATION ROYALTY PANEL'S ORDER
OF SEPTEMBER 24, 2003

The American Society of Composers, Authors and Publishers ("ASCAP"), Broadcast Music, Inc. ("BMI"), and SESAC, Inc. ("SESAC") (collectively, the "Music Claimants" or "Music"), in accordance with the September 24, 2003 Order ("Order") of the Copyright Arbitration Royalty Panel (the "Panel"), hereby submit their response to that Order in the above-captioned proceeding.

1. As to the first item addressed in the Order, the Music Claimants take no position on the Canadian Claimants' use of Bortz data as such use of Bortz data by the Canadian Claimants should have no effect on the Music Claimants' share.

2. As to the second item addressed by the Order, the Music Claimants do not themselves contend that Music should receive different shares from the 3.75% Fund, the Syndex Fund, and the Basic Fund. Indeed, the Music Claimants have consistently taken the position in this proceeding that Music has in the past and should in this proceeding receive the same share from each of the three funds. The Music Claimants have examined the written Direct Cases and Proposed Findings of Fact and Conclusions of Law and Reply to Proposed Findings of Fact and

Conclusions of Law of each of the other parties and find no indication that any of the other parties has taken the position or has provided any evidentiary basis for a finding that Music Claimants should not receive the same share from the 3.75% Fund and the Syndex Fund as from the Basic Fund. Indeed, to the extent this issue has been addressed, the other parties have taken the position that the Music Claimants' should receive the same share of each of the Funds.¹ For this reason, Music Claimants respectfully request that if, in response to the Order, any of the other parties now take the position that Music Claimants should not receive the same share from each of the three Funds, then Music Claimants should be given the opportunity to respond.

¹ Joint Sports Claimants FF&CL at 3 and 249 (same share of all three Funds); National Association of Broadcasters FF&CL at 154 (same share of all three Funds); Program Suppliers FF&CL at Introduction (same share of all three Funds); Public Television FF&CL at 135 (takes a position regarding only Music Claimants' share of the Basic Fund); Canadian Claimants FF&CL at Apps. B-E (step 5) (advocates that Music Claimants receive the same share of the Basic and 3.75% Funds and takes no position regarding the Syndex Fund).

Respectfully submitted,

Dated: October 2, 2003

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CERTIFICATE OF SERVICE

I, Philip J. Mause, hereby certify that on this 2nd day of October 2003, two copies of the foregoing "MUSIC CLAIMANTS' RESPONSE TO THE COPYRIGHT ARBITRATION ROYALTY PANEL'S ORDER OF SEPTEMBER 24, 2003" was served by hand delivery to the following representatives of the Phase I parties:


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